

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

CITY OF ROCKFORD
*on behalf of itself and
all others similarly situated,*

Plaintiff,

v.

**MALLINCKRODT ARD, INC.,
formally known as QUESTCOR
PHARMACEUTICALS, INC.;
MALLINCKRODT PLC; EXPRESS SCRIPTS
HOLDING COMPANY; EXPRESS SCRIPTS,
INC.; CURASCIPT, INC., *doing business as*
CURASCIPT, SD; ACCREDO HEALTH
GROUP, INC., and UNITED BIOSOURCE
CORPORATION**

Defendants.

Civil Action No.: 3:17-cv-50107

Judge Iain D. Johnston

Magistrate Judge Lisa A. Jensen

**DECLARATION OF WILLIAM H. PLATT II
IN SUPPORT OF PLAINTIFF CITY OF ROCKFORD'S
RENEWED MOTION FOR CLASS CERTIFICATION**

Pursuant to 28 U.S.C. § 1746, I, William H. Platt II, hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct to the best of my knowledge, information and belief.

1. I am counsel for Plaintiff the City of Rockford and the proposed Classes in this case. I have personal knowledge of the matters stated herein, having litigated in this Court for over six years. If called upon as a witness, I could and would competently testify thereto.

2. This Declaration is submitted in support of Plaintiff's *Renewed Motion for Class Certification* pursuant to Federal Rule 23.

3. Attached hereto as Exhibit "A" is a true and correct copy of the Expert Report of Dr. William S. Comanor dated July 18, 2022.

4. Attached hereto as Exhibit "B" is a true and correct copy of the Plaintiffs' Table of Indirect Purchaser (*Illinois Brick Repealer*) States with legal authorities confirming each states' indirect purchaser status (Illinois, Michigan, Tennessee and California).

5. Attached hereto as Exhibit "C" is a true and correct copy of the email string between M. Cuthill, H. Beaudoin, S. Cartt, N. Black, R. Osborne, F. Olson, D. Medeiros, G. Stuart, and D. Desmarais during the dates of August 23-24, 2007 and the attached Questcor "Commercial Product Pricing List – WAC & AWP."

6. Attached hereto as Exhibit "D" is a true and correct copy of the email correspondence from J. Kates to B. Henry, and B. Bier on June 5, 2017 and the attached Conference Call Transcript with Express Scripts Mgmt.

7. Attached hereto as Exhibit "E" is a true and correct copy of the email correspondence from S. Cartt to E. Mayer on March 15, 2011 and the attached QCOR – RDSS Workshop Draft Speaker Notes.

8. Attached hereto as Exhibit "F" is a true and correct copy of an email from S. Cartt to himself on September 24, 2014 and his attached resume.

9. Attached hereto as Exhibit "G" is a true and correct copy of the email correspondence from S. Cartt to D. Bailey on December 1, 2007 and the attached presentation titled "Questcor Strategic Plan 2006-2011."

10. Attached hereto as Exhibit "H" is a true and correct copy of the Questcor presentation titled "Acthar Overview."

11. Attached hereto as Exhibit "I" is a true and correct copy of the email correspondence from R. Osborne to K. Cast on July 14, 2014 and the attached presentation titled "Specialty Service for H.P. Acthar Gel" given by Express Scripts to Questcor in May 2007.

12. Attached hereto as Exhibit "J" is a true and correct copy of the email string between G. Stuart, D. Bailey, S. Cartt, F. Olson, D. Medeiros, and D. Desmarais on the dates of July 6 and 12, 2007 and the attached Acthar Unit Sales "Transition Shipping Analysis."

13. Attached hereto as Exhibit "K" is a true and correct copy of the email correspondence from S. Cartt to D. Bailey, G. Lapointe, V. Thompson, A. Hasen, D. Young, E, Liebler, S. Halladay, F. Olson, D. Medeiros, and G. Stuart on June 29, 2007 and the attached Acthar Distribution Diagram.

14. Attached hereto as Exhibit "L" is a true and correct copy of the February 15, 2023 deposition transcript of Kevin Cast (FILED UNDER SEAL).

15. Attached hereto as Exhibit "M" is a true and correct copy of the February 24, 2023 deposition transcript of Robert Osborne (FILED UNDER SEAL).

16. Attached hereto as Exhibit "N" is a true and correct copy of the January 18, 2023 deposition transcript of Melissa Beatty (FILED UNDER SEAL).

17. Attached hereto as Exhibit "O" is a true and correct copy of the March 17, 2023 deposition transcript of Everett Neville (FILED UNDER SEAL).

18. Attached hereto as Exhibit "P" is a true and correct copy of the March 13, 2023 deposition transcript of Jason Camp (FILED UNDER SEAL).

19. Attached hereto as Exhibit "Q" is a true and correct copy of the email correspondence from R. Osborne to K. Cast on July 14, 2014 and the attached document "Acthar Final."

20. Attached hereto as Exhibit "R" is a true and correct copy of the email correspondence from M. Close to S. Foster on October 10, 2014 and the attached Mallinckrodt presentation on distribution titled "Mallinckrodt Pharmaceuticals Autoimmune and Rare Disease Business."

21. Attached hereto as Exhibit "S" is a true and correct copy of the email from S. Cartt, F. Olson, D. Medeiros, G. Stuart, D. Desmarais, and L. Cohn on June 14, 2007 and the email from R. Osborne to S. Cartt, N. Black, D. Desmarais and T. Andrade on June 14, 2007.

22. Attached hereto as Exhibit "T" is a true and correct copy of the email correspondence from S. Cartt to R. Osborne, N. Black, D. Desmarais, and F. Olson on June 22, 2007.

23. Attached hereto as Exhibit "U" is a true and correct copy of the email correspondence from R. Osborne to B. Martin, G. Johnston, L. O'Neal, J. Lord, S. Uder on May 28, 2015.

24. Attached hereto as Exhibit "V" is a true and correct copy of the email string between B. Martin, R. Osborne, and D. Trane during the dates of December 8-9, 2020. (FILED UNDER SEAL).

25. Attached hereto as Exhibit "W" is a true and correct copy of the March 15, 2023 deposition transcript of Andrew Behm (FILED UNDER SEAL).

26. Attached hereto as Exhibit "X" is a true and correct copy of the email string between C. Lawyer, A. Ruiz, C. Vivod, and E. English on April 22, 2019.

27. Attached hereto as Exhibit "Y" is a true and correct copy of the Exclusive Wholesale Product Purchase Agreement between Questcor Pharmaceuticals, Inc. and CuraScript, Inc. dated June 29, 2007, produced by Express Script.

28. Attached hereto as Exhibit "Z" is a true and correct copy of the February 1, 2023 deposition transcript of Mike Mulroy (FILED UNDER SEAL).

29. Attached hereto as Exhibit "AA" is a true and correct copy of the Transcript of Proceedings Before the Honorable Lisa A. Jensen on July 22, 2019.

30. Attached hereto as Exhibit "BB" is a true and correct copy of the November 10 and 11, 2022 deposition transcript of Hugh O'Neill (FILED UNDER SEAL).

31. Attached hereto as Exhibit "CC" is a true and correct copy of the September 21, 2022 deposition transcript of Timothy Wentworth (FILED UNDER SEAL).

32. Attached hereto as Exhibit "DD" is a true and correct copy of the email string between C. Felish, H. O'Neill, T. Englese, N. McCutcheon, S. Loreaux, C. Hirt, J. Schafer, J. Ringgenberg, A. Buonincontri, S. Romano, M. Santoro during the dates of August 25-26, 2018.

33. Attached hereto as Exhibit "EE" is a true and correct copy of the email string between L. Newport, K. Henson, J. Efken, K. Penrod, P. Melland, T. Behrens, N. Hebbert, W. Martin, R. Johnson, V. Tandon, R. Jones, and A. Norton between the dates of September 12-16, 2013.

34. Attached hereto as Exhibit "FF" is a true and correct copy of the email correspondence from E. Neville to B. Bier, E. English, H. Brian, J. Kates, S. Miller, M. Akins, E. Slusser, E. Adamcik on June 5, 2017 and the email correspondence from J. Luddy to H. Brian on June 5, 2017.

35. Attached hereto as Exhibit "GG" is a true and correct copy of the email string between S. Cartt, R. Osborne, F. Olson, D. Desmarais, and N. Black on June 22, 2007.

36. Attached hereto as Exhibit "HH" is a true and correct copy of the Third Amendment to the Exclusive Wholesale Product Purchase Agreement between Questcor Pharmaceuticals, Inc. and CuraScript, Inc. dated December 1, 2007, produced by Express Scripts.

37. Attached hereto as Exhibit "II" is a true and correct copy of a Mallinckrodt presentation titled "Discussion Materials," dated November 2013.

38. Attached hereto as Exhibit "JJ" is a true and correct copy of an email string, with the last email from J. Luddy to A. Kautzner, A. Behm, C. Bitney, and B. Henry on May 7, 2018.

39. Attached hereto as Exhibit "KK" is a true and correct copy of the email string between E. Neville, W. Barnes, S. Miller, A. Bricker, A. Kautzner, and M. Baum on April 28, 2016.

40. Attached hereto as Exhibit "LL" is a true and correct copy of the email string between W. Barnes, M. Baum, A. Boll, P. Goldsmith, B. Slen, J. Saine, E. Neville between the dates of June 5-26, 2017.

41. Attached hereto as Exhibit "MM" is a true and correct copy of the email string between A. Adler and A. Kautzner, W. Barnes, M. Baum, A. Boll, D. Saadeh, A. Kautzner, A. Behm between the dates May 7-18, 2018.

42. Attached hereto as Exhibit "NN" is a true and correct copy of the correspondence between A. Behm, J. Noehren, and J. Dohm on May 22-23, 2018.

43. Attached hereto as Exhibit "OO" is a true and correct copy of the email correspondence between B. Henry, T. Wentworth, B. Miller on December 8-9, 2015.

44. Attached hereto as Exhibit "PP" is a true and correct copy of a summary and description of the "Class Action Practices" of the lawyers and law firms representing the Plaintiff and the Class.

I am aware that if any of the foregoing statements made by me are willfully false, that I am subject to punishment.

Dated: May 26, 2023

By: *s/ William H. Platt II.*
William H. Platt II